

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

HECTOR ACUNA,

Plaintiff,

v.

Case No. 18-cv-1965-pp

JEFFREY MANLOVE, M.D., *et al.*,

Defendants.

**ORDER DENYING PLAINTIFF’S MOTION TO DISMISS WITHOUT
PREJUDICE OR STAY CASE (DKT. NO. 11) AND ADMINISTRATIVELY
CLOSING CASE**

The plaintiff, who is representing himself, filed a complaint under 42 U.S.C. §1983, alleging that the defendants violated his civil rights. Dkt. No. 1. He has now filed a document titled “Motion for Court Order.” Dkt. No. 11. The plaintiff first says that he would like an order dismissing his case without prejudice. Id. at 1. Then, he explains that he would like to pursue and “continue with this lawsuit” once he is released from prison in a couple of months. Id. At the very end of the motion, he says that he would like to put this lawsuit “on hold.” Id.

The court can’t tell whether the plaintiff wants to dismiss the case and then bring a new one later, or simply to “stay” the case until after he is released from custody. If the court grants the plaintiff’s request to dismiss his complaint, and he tries to file a new lawsuit at some later date, he may run into problems with what is called the “statute of limitations”—the law that gives people a certain amount of time after their injury to file a lawsuit. If the court

puts the case on hold, and the plaintiff does not pursue it later, the case could sit indefinitely, causing administrative problems for the court. The court will deny the plaintiff's motion, and will not dismiss the case or put it on hold.

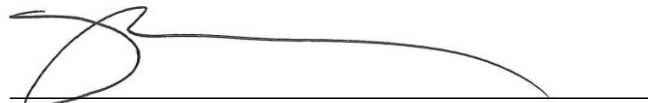
Instead, the court will administratively close the case. What this means is that if, at some time in the future, the plaintiff wants to pursue his claims, he can file a motion with the court, asking the court to reopen the case. If he does that, he will maintain the original date he filed his complaint (December 12, 2018). Unless and until the plaintiff files a motion asking the court to reopen the case, however, the court will not take any further action on it.

The court **DENIES** the plaintiff's motion to dismiss without prejudice or stay his case. Dkt. No. 11.

The court **ORDERS** that this case is **ADMINISTRATIVELY CLOSED**.

Dated in Milwaukee, Wisconsin, this 9th day of September, 2019.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
United States District Judge